Application No. 10/541909 Amendment dated February 26, 2010 Reply to Office action of January 20, 2010

## REMARKS

By this Amendment, claims 11, 12 and 19 have been canceled. No claim have been amended and no new claims have been added to the application. Accordingly, claims 1-10 and 13-18 are pending in the application. No new matter has been added.

In the prior Office Action, the Examiner issued a restriction requirement upon concluding that the application included claims drawn to three patentably distinct groups of inventions, namely:

Group I, claims 1-10 and 13-18, drawn to a method of making particles;

Group II, claims 11 and 19, drawn to particles; and

Group III, claim 12, drawn to an apparatus.

In response, applicant hereby elects the Group I invention, without traverse. Claims 1-10 and 13-18 are drawn to the elected invention group. Non-elected claims 11, 12 and 19 have been canceled, with applicant reserving the right to prosecute the subject matter thereof in one or more divisional applications.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge the same to Deposit Account No. 18-0160, Order No. FER-14670.001.002.

Respectfully submitted,

RANKIN, HILL & CLARK LLP

By: /Randolph E. Digges, III/ Randolph E. Digges, III

Reg. No. 40590

23755 Lorain Road, Suite 200 North Olmsted, OH 44070 TEL: (216) 566-9700 FAX: (216) 566-9711 docketing@rankinhill.com